

JUN 20 2006

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CHRISTOPHER J. MCNAUGHTON,

Plaintiff - Appellant,

v.

UDC HOMES INC., a Delaware
Corporation; et al.,

Defendants - Appellees,

No. 05-16322

D.C. No. CV-02-02469-JAT

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Arizona
James A. Teilborg, District Judge, Presiding

Submitted June 12, 2006^{**}

Before: WALLACE, KLEINFELD, and BERZON, Circuit Judges.

Christopher J. McNaughton appeals pro se from the district court's
judgment dismissing his 42 U.S.C. § 1983 action which arise from the purchase of

^{*} This disposition is not appropriate for publication and may not be
cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without
oral argument. *See* Fed. R. App. P. 34(a)(2).

his property from UDC Homes (“UDC”). We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal for lack of subject matter jurisdiction. *Rivera v. United States*, 924 F.2d 948, 950 (9th Cir. 1991). We affirm.

McNaughton alleged that UDC conspired with the State of Arizona and the City of Phoenix to engage in “witness tampering” and deprive him of his constitutional rights. The district court properly dismissed McNaughton’s action for lack of subject matter jurisdiction under 28 U.S.C. § 1331, because McNaughton does not allege any affirmative acts taken by the UDC in furtherance of a conspiracy, or any other act under color of law that deprived him of his rights. *See Barren v. Harrington*, 152 F.3d 1193, 1194 (9th Cir. 1998) (order) (“A plaintiff must allege facts, not simply conclusions, that show that an individual was personally involved in the deprivation of his civil rights.”).

McNaughton’s remaining contentions lack merit.

AFFIRMED.